

MORRISON | FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

June 6, 2005

Writer's Direct Contact
415/268-7159
DMelaugh@mofo.com

FILED ELECTRONICALLY

The Honorable Maria-Elena James
United States Magistrate Judge
United States District Court,
Northern District of California
Courtroom B, 15th Floor
450 Golden Gate Avenue
San Francisco, California 94102

Re: Prendergast v. Atlantic-Pacific Capital, discovery dispute

Dear Judge James:

I write on behalf of both parties to inform the Court that we have agreed to a settlement of this dispute, in principle, and are currently working to memorialize the settlement in writing.

We therefore jointly request that the hearings scheduled for June 9, 2005 be taken off calendar. Should these efforts prove unsuccessful, the parties will promptly inform the Court and seek new hearing dates.

Sincerely,

/s/ A. Padilla

Angela Padilla
Counsel for Daniel Prendergast



Dated: June 7, 2005